

8

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June 1998

BEFORE

THE HON'BLE MR.JUSTICE M.F.SALDANHA

WRIT PETITION NO.13564/1997

Between:

1. Smt.Gowriamma,  
W/o late Maruvala Rama  
Bhat, Hindu, aged about  
61 years,
2. M.Ramesh,  
S/o late Maruvala  
Rama Bhat, Hindu, adult,
3. M.Sr inivas Bhat,  
S/o late Maruvala  
Rama Bhat, Hindu, adult,
4. M.Keshava Bhat,  
S/o late Maruvala  
Rama Bhat, Hindu, adult,

All are residing at  
Padyana House,  
Karopady village,  
Bantwal taluk, D.K.

... Petitioners.

(By Sri O.Shivaram Bhat, Advocate).

And:

1. The Land Tribunal, Bantwal,  
represented by its Chairman,  
Bantwal, D.K.Dist.
2. The Tahsildar,  
Bantwal, D.K.

... Respondents.

3. The Asst.Registrar,  
High Court of Karnataka,  
Bangalore-1.

} R-3 deleted as  
per Court order  
dt.2-6-97.

(By Smt.M.Shantha Kumari, HCGP, for R -1 & 2).

This W.P. is filed under Articles 226 & 227 of the Constitution of India praying to direct the respondents to search the original records pertaining to TNC.135/74-75 and dispose of the claim of the petitioners within reasonable time.

This W.P. coming on for orders this day, the Court made the following:-


O R D E R

Heard the petitioners' learned Advocate.

The amendment asked for is only <sup>a</sup> formal one. The learned Advocate is permitted to carry-out the necessary corrections in the prayer column. I.A.I is allowed.

2. I am in full agreement with the petitioners learned Advocate ~~that~~ when he points out that this old case has been pending only because the record is not available. The Tribunal contends that it was sent to the High Court and <sup>the</sup> office of the High Court has through an Endorsement Annexure-A stated that the office has not received the record. The learned Government Advocate shall instruct the office of the Advocate General/Government Advocate

....3/-



High Court to check-up within one week from to-day and if the record is with either of these offices to send the same back to the Tribunal immediately. If this is not done, this Court will be constrained to pass an order for heavy costs.

3. The Land Tribunal, Bantwal, shall also undertake a proper search because there is a possibility that the party who had secured the earlier order which has been set aside may be responsible for the so-called misplacing of the record. The Land Tribunal shall, after such a search, if the record is traced, or if the same is received back from the High Court, take up the case expeditiously and ensure that it is disposed of within an outer limit of three months from to-day. When this Petition is being allowed and disposed of with these directions, I do not want the petitioner to be further harassed if anything

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624

goes wrong and hence the learned Advocate is given the liberty of re-applying to this Court if the need arises.

4. The Petition succeeds. No order as to costs. A copy of the order be furnished forthwith.

Sd/-  
JUDGE



rsk